IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4960 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAMANBHAI DHULABHAI
Versus
SPECIAL LAND ACQUISITION OFFICER

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Appearance:
1. Special Civil Application No. 4960 of 2002
MR GM AMIN for Petitioner No. 1
MS MANISHA LAVKUMAR, LD. AGP for Respondent No. 1

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CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE J.R.VORA

Date of decision: 09/05/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE N.G.NANDI)

1. Heard. It is stated by Mr. G.M. Amin, learned advocate for the petitioner that, Respondent No.2 Galaji

Bhathiji Parmar be deleted from the array of parties. Respondent No.2 is deleted.

2. Rule. Ms. Manisha Lavkumar, Learned AGP waives service of rule on behalf of respondent No.1.

3. On request of learned advocate for the petitioner and learned AGP, this petition is taken up for final disposal.

It is suggested from the petition that the petitioner's land bearing Survey No. 154 of village Dasalwada, taluka Kapadwanj, district Kheda came to be acquired after following procedure laid down under Land Acquisition Act. Award under section 11-A of the Act came to be pronounced on 23-3-1993. It is suggested that an application requesting for making reference under section 18 of the Act came to be filed, whereupon Special Land Acquisition Officer made Reference to the district Court for redetermination of the compensation fixed by Special Land Acquisition Officer in the award under section 11-A of the Act. The Reference Court redetermined the compensation and enhanced the same to Rs.1900-00 per R.A. and pursuant to the award by the Reference Court, respondent No.1 deposited amount of compensation. It appears that, at that stage one Mr. Galaji Bhathiji Parmar (respondent No.2- deleted) submitted an application dated 12-10-2001 to the Reference Court claiming the amount of compensation deposited by respondent No.1 contenting that an unregistered agreement to sale has been executed in his favour by the present petitioner.

4. It is the say of the petitioner that, said application of Galaji Bhathiji Parmar claiming compensation, is pending hearing and decision before the Reference Court. It is submitted by Mr. Amin, learned advocate for the petitioner that, because of the application dated 12-10-2001 filed by Galaji Bhathiji Parmar, his application for withdrawal of the compensation amount is not being decided.

5. One of the prayers in the present writ petition is that the petitioner's application for withdrawal of the compensation amount be directed to be disposed of and the order for disbursement be passed in favour of the petitioner in respect of Land Reference Case No. 2401 of 1994.

6. Having regard to the facts & circumstances, it is necessary to direct disposal of the application dated

12-10-2001 filed by Galaji Bhathiji Parmar and the application filed by the petitioner claiming disbursement of compensation amount pending hearing before the Reference Court. Accordingly it is directed to hear and decide the application dated 12-10-2001 filed by one Galaji Bhathiji Parmar along with the application of the petitioner claiming disbursement of compensation amount, after giving reasonable opportunities of being heard to the concerned parties, in accordance with law, within three months from the date of the receipt of this order.

7. Petition disposed of accordingly. Rule made absolute. No costs. Direct service permitted.

Dt: 9-5-2002 ( N.G. Nandi, J )

( J.R. Vora, J )